

**Department of Community Planning and Economic Development – Planning
Division
Rezoning
BZZ-5391**

Date: November 14, 2011

Applicant: Kolar Center, LLC, Birrell Center, LLC, and Nancy Hirshfield et al, 207 East Lake Street, Suite #300, Minneapolis, MN 55408, (612)825-4433

Address of Property: 325, 331 and 341 East Lake Street and 3009 and 3013 Clinton Avenue

Project Name: Kaah Adult Daycare

Contact Person and Phone: Fowsia Harum, 4106 Scott Avenue North, Robbinsdale, MN 55422, (612)388-0331

Planning Staff and Phone: Becca Farrar, Senior City Planner (612)673-3594

Date Application Deemed Complete: October 19, 2011

End of 60-Day Decision Period: December 18, 2011

End of 120-Day Decision Period: On November 3, 2011, Staff sent a letter to the applicant extending the decision period to no later than February 16, 2012.

Ward: 8 (adjacent to 6) **Neighborhood Organization:** Central Area Neighborhood Development Organization (adjacent to Phillips West Neighborhood Organization)

Existing Zoning: C1 (Neighborhood Commercial) district

Proposed Zoning: C2 (Neighborhood Corridor Commercial) district

Zoning Plate Number: 25

Lot area: 35,125 square feet or approximately .81 acres

Legal Description: 325 E. Lake Street: Lots 34 and 35 including adjacent ½ of vacated alley, State Addition to Minneapolis, Hennepin County, Minnesota; 331 E. Lake Street: Lots 32 and 33 including adjacent ½ of vacated alley, State Addition to Minneapolis, Hennepin County, Minnesota; 341 E. Lake Street: Lots 24 through 31 inclusive also including adjacent vacated alley, State Addition to Minneapolis, Hennepin County, Minnesota; 3009 Clinton Avenue: Lot 56 including adjacent ½ of vacated alley, State Addition to Minneapolis, Hennepin County, Minnesota; 3013 Clinton Avenue: Lot 57, State Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Establish an adult day care/development achievement center and further permit additional uses within the existing buildings on the premises.

Concurrent Review:

- Fowsia Harum, on behalf of Kolar Center, LLC, Birrell Center, LLC, and Nancy Hirshfield et al, has submitted a petition to rezone the properties located at 325, 331 and 341 East Lake Street and 3009 and 3013 Clinton Avenue from the C1 (Neighborhood Commercial) district to the C2 (Neighborhood Corridor Commercial) district in order to allow an adult day care/development achievement center known as Kaah Adult Daycare as a permitted use within an existing building located on the property. The rezoning request would also allow additional uses within the existing buildings on the premises.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

Background: The applicant proposes to rezone the properties located at 325, 331 and 341 East Lake Street and 3009 and 3013 Clinton Avenue from the C1 district to the C2 district. The rezoning is proposed primarily in order to allow an adult day care/development achievement center within the existing building located at 331 East Lake Street but the broad petition application encompasses additional properties on the block and would allow for additional uses that C1 does not permit. Adult day care/development achievement centers are conditional uses in the C1 district but are permitted uses in the C2 district. As noted, C2 would allow for a broader range of uses on the subject properties.

According to the submitted materials, 325 East Lake Street is owned by Nancy Hirshfield et al, and occupied by Hirshfield's. The retail use is a paint and wallpaper outlet and there is no associated off-street parking provided for this structure. The structure located at 331 East Lake Street is owned by Birrell Center, LLC. The building is currently vacant and as previously noted, the applicant proposes to locate an adult daycare/development achievement center within the structure. The structure located at 341 East Lake Street is also owned by Birrell Center, LLC. The building is mixed-use with a total of nine efficiency units located in the second story of the building and several ground level commercial spaces occupying the first level of the building that include a grocery store, coffee shop, restaurant and retail shop. There are also a total of 16 surface parking stalls located on the property. The two parcels located on Clinton Avenue are utilized as a surface parking lot. The parcel located at 3009 Clinton Avenue is owned by Birrell Center, LLC, and contains 22 surface parking spaces. The parcel located at 3013 Clinton Avenue is owned by Kolar Center, LLC, and contains 14 surface parking spaces.

Typically, Planning Staff does not accept rezoning applications without an accompanying site plan. However, the applicant has stated that other than allowing additional uses, there are no immediate plans for redevelopment on these properties. Should the properties be redeveloped in the future, the applicant would be required to submit all applicable land use applications and receive all associated land use approvals as necessary.

Staff has not received official correspondence from the Central Area Neighborhood Development Organization, the Phillips West Neighborhood Association or any neighborhood letters prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located along East Lake Street which is a designated Commercial Corridor in this location. The properties are approximately one block south of the Midtown Greenway. According to *The Minneapolis Plan for Sustainable Growth*, “Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.”

Land Use Policy 1.4 states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

Land Use Policy 1.10 states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial –where compatible with the existing and desired character”; (1.10.2) Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.”

Planning Staff believes that the proposal to rezone the subject properties from the C1 to the C2 district is supported by the above listed policies and implementation steps.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the C2 district would be considered primarily in the interest of the property owner as it would allow the site to accommodate additional uses on the properties not currently allowed under the C1 district regulations. The amendment could also be considered in the public interest as it would allow uses supported by adopted policies specific to Commercial Corridors.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning

classification, where the amendment is to change the zoning classification of particular property.

The subject site is located within an area that has commercial zoning classifications lining both sides of East Lake Street (C1, C2 and C4). There are also R2B, R3 and OR2 zoning classifications within the broader vicinity. The uses within the area are varied and include various commercial, institutional and residential uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that the C2 zoning district would be appropriate and compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses allowed under the existing C1 zoning classification; however, adopted City policy supports C2 zoning along Commercial Corridors. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the properties.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject properties were zoned B3S-2 (Community Service) district and the majority of surrounding properties to the north, south, east and west were zoned B3S-4, R2B, R3 and M1-2 (Light Manufacturing) district. There have been changes relative to the character and trend of development in the general area predominantly along the Midtown Greenway, which is located approximately one block north of the properties and along the East Lake Street corridor, which has benefitted from significant reinvestment. The amendment to alter the existing zoning classification on the properties will not adversely impact the positive transitions occurring in the area.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 325, 331 and 341 East Lake Street and 3009 and 3013 Clinton Avenue from the C1 district to the C2 district.

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Attachments:

1. Rezoning Matrix – C1 vs. C2
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan
6. Photos